




Under the Paperwork Reduction Act of 1995, no person shall be required to respond to a collection of information unless it displays a valid OMB control number.

PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)
		JRL-1410-762
	Application Number	Filed
	09/898,480	July 5, 2001
	First Named Inventor	
		ANDREASON
	Art Unit	Examiner
	2618	Aminzay, Shaima Q.
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> Applicant/Inventor</p> <p><input type="checkbox"/> Assignee of record of the entire interest. See 37 C.F.R. § 3.71. Statement under 37 C.F.R. § 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> Attorney or agent of record      33,149 (Reg. No.)</p> <p><input type="checkbox"/> Attorney or agent acting under 37CFR 1.34. Registration number if acting under 37 C.F.R. § 1.34 _____</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.*</p> <p><input checked="" type="checkbox"/> *Total of 1 form/s are submitted.</p>		

  
Signature  
John R. Lastova  
\_\_\_\_\_  
Typed or printed name  
703-816-4025  
\_\_\_\_\_  
Requester's telephone number  
November 5, 2007  
\_\_\_\_\_  
Date

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and selection option 2.



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of

ANDREASON

Atty. Ref.: 1410-762; Confirmation No. 8452

Appl. No. 09/898,480

TC/A.U. 2618

Filed: July 5, 2001

Examiner: Aminzay, Shaima Q.

For: AN ARRANGEMENT AND A METHOD IN A TELEPHONY SYSTEM

\* \* \* \* \*

November 5, 2007

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

A first pre-appeal was filed appealing the obviousness rejection of all claims 1-5, 7, 9-16, 18, and 20 based on Henon and Jensen. In response, prosecution was re-opened. Now claims 1-5 and new claims 21-25 stand rejected for anticipation based on Henon alone. Claims 7, 9-16, 18, and 20 stand rejected based on Henon in view of newly-applied Camp.

**Henon Transfers the Call from the Mobile to the Wireline Phone.** In Henon, it is assumed that a call with the mobile is currently in progress. The wireline phone is not involved in the call yet. The mobile wants to transfer the call to the wireline phone and asks for the telephone number of the wireline phone over a Bluetooth wireless link. The wireline phone responds by sending its wireline telephone number. Thereafter, the mobile provides the wireline telephone number to the mobile network and asks that the call be set up with the wireline phone via the wireline network. As a result, the mobile network transfers the call via the wireline network in the conventional way from the mobile to the wireline phone. The user answers the call on the wireline phone and then hangs up the call on the mobile. Henon's purpose in

transferring the call from the mobile to the wireline phone is to conserve the mobile's battery by not having the mobile involved in the call once the transfer is complete.

In the rejected claims, by contrast, the call is not transferred from the mobile to the wireline phone. Nor is a wireline connection established as Henon requires. Instead, the call is made through the mobile. If the battery runs out, the call is dropped. But on the other hand, there is no need for a wireline connection in the claimed arrangement or method. Hence, the claims are directed to a very different objective than Henon's, and that objective is achieved by different technical features than Henon uses.

**Henon's Bluetooth Link Does Not Carry Speech.** Claims 1 and 21 require that speech be carried on a short range wireless link between a stationary telephony terminal and a mobile radio. Henon only uses the Bluetooth link (a short range wireless link) to query the wireline phone for its phone number. Speech is never sent over that Bluetooth link. Thereafter, the mobile's involvement in the call and any link between the mobile and the wireline phone are ended. Henon clearly explains these points in the summary of the invention section quoted below (1:56-2:12; emphasis added):

In-progress call transfer between a wireless telephone and a wired telephone is effected using a short-range wireless communication link between the devices. Each of the devices are provisioned to include a short-range radio or infrared transceiver so that the devices can communicate with each other over the short-range wireless communication link, preferably using a given short-range wireless protocol. A preferred short-range wireless protocol is Bluetooth, although any convenient protocol may be used for this purpose. When the wireless telephone's battery is almost exhausted, or for any other reason that the user may desire, the wireless telephone requests the wired telephone's phone number by communicating with the wired telephone over the short-range wireless communication link. Upon receipt of the wired telephone's phone number, the wireless telephone issues a call transfer request to a cellular base station, passing the wired telephone's phone number. The base station and the network then re-route the call to the wired telephone. When the user (or

another) places the wired telephone off-hook, the in-progress telephone call is connected to both the wireless telephone and the wired telephone. **The user may then disconnect the call from the wireless telephone [i.e., the mobile phone], for example, by going on-hook.** The telephone call transfer is then complete.

Independent claim 1 recites: “the stationary terminal or the mobile radio telephone is arranged to establish a speech channel over the short range wireless communication link” and “the stationary telephony terminal is arranged to ... transmit and receive speech signals over the speech channel established over the short range wireless communication link.” Claim 21 recites “establishing a speech channel over the short range wireless communication link for carrying speech signals between the stationary telephony terminal and the mobile radio telephone” and “communicating speech to or from the stationary telephony terminal ... including transmitting and receiving speech signals over the speech channel established over the short range wireless communication link.”

A speech channel is not established in Henon via the mobile phone over the Bluetooth wireless link. In Henon, the call path is either with the stationary wireline phone or with the mobile phone, but not both. When the call is transferred in Henon to the stationary wireline phone, the call to the mobile is ended. Henon’s mobile never carries speech to and from the stationary wireline phone. The Bluetooth wireless link in Henon is only used “to exchange the telephone number data.” Col. 2, lines 13-14. Lacking multiple claim features quoted above, the anticipation rejection is improper.

**Camp Does Not Remedy The Basic Deficiencies In Henon.** The Examiner admits that Henon lacks the discovery signals sent from the stationary terminal over a short range wireless link in claim 7 for which the Examiner cites Camp. But Henon also lacks “establishing a speech channel over the short range wireless communication link” and “communicating speech to and from the stationary telephony terminal over the mobile radio telephony network via the mobile

radio telephone with another telephone including transmitting and receiving speech signals over the speech channel established over the short range wireless communication link,” as recited in claim 7, for the reasons explained above. Camp does not supply these missing features.

**Other Clear Evidence of Non-obviousness.** In addition to missing claim elements, further indicia are present that demonstrate non-obviousness. First, Henon *teaches away* from claims 1, 7, and 21. In column 1, lines 18-21, Henon teaches: “those who use cellular telephones often find themselves cut off or dropped in the middle of a wireless call for any number of reasons, such as battery loss, network connection problems, or the like.” Claims 1, 7, and 21 suffer from this very problem that Henon explicitly wants to avoid. Using a mobile phone as a conduit for a call with a stationary wireline phone is the very type of thing Henon warns against.

Second, in the claimed approach, the stationary wireline phone lacks a wired connection to a fixed telephone network. Henon’s system would not work without such a wired connection. Indeed, the call cannot be transferred to the stationary wireline phone without a wired connection. Thus, a modification to Henon to make it more like what is claimed not only is not consistent with Henon’s teachings, it renders Henon inoperable for its intended purpose—another clear indicia of non-obviousness. See, for example, *In re Fritch*, 972 F.2d 1260, 1265-1266 (Fed. Cir. 1992).

**Other Missing Claim Features.** Claim 20 recites “generating a ring signal at the mobile radio telephone to indicate the incoming call in addition to the ring signal generated at the stationary telephony terminal.” This feature is missing in Henon. The “ringing connection” referred to at col. 4, lines 11-12, is established “at the wired telephone 102” and is not “a ring signal at the mobile radio telephone.” Henon also lacks “a service code on the stationary telephony terminal indicating when the sent authentication code is valid” recited in Claim 13.


Tomas Andreason  
Appl. No. 10/110,481  
November 5, 2007

None of the messages in col. 4, lines 1-18 is described or would be reasonably understood as the claimed service code validating a sent authentication code. Claim 15 recites "checking the authentication code in the mobile radio telephony network" rather than performing that checking at a "mobile radio telephony network telephone" as stated in the final rejection. Henon does not disclose the claimed network checking the authentication code.

The final rejection should be withdrawn and the application allowed. An early notice to that effect is respectfully requested.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By:   
John R. Lastova  
Reg. No. 33,149

JRL:maa  
901 North Glebe Road, 11th Floor  
Arlington, VA 22203-1808  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100